IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.22664 of 2004

Between:

Sri Prathyeka Sanaischara Swamyvari Devalayamvari Committee,

Rep.by its Secretary, Madala Panduranga Rao, S/o Lakshminarayana,

aged 48 years, C/o Seethammavari Padalaeduta, Pushkara Ghat No.1, Vijayawada -1.

..... PETITIONER

AND

1. Asst. Commissioner of Endowments, Vijayawada,Near Police Control Room, Vijayawada-2.
2. The Inspector of Endowments, Vijayawada.
3. Single Trustee, Sri Someswara Swamy Temple,
   Vijayawada, Krishna District
   (R3 is impleaded as per court order dt.2-3-2005 in WPMP No.2136 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, especially one in the nature of Writ of mandamus declaring the action of the 1st Respondent in issuing the proceedings R.C.No.A1/8492/2004/Adm. dt.26.11.2004 as illegal, intentional, *mala fide*, arbitrary, contrary to the Act and opposed to principles of natural justice and consequently set aside the impugned order as illegal.

Counsel for the Petitioner: MS.K.PALLAVI

Counsel for the Respondent Nos.1 and 2: GP FOR ENDOWMENTS

Counsel for the Respondent No.3: MR.N.GURU GOPAL

The Court made the following:

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.22664 of 2004

ORDER:

An unregistered association known as Sri Prathyeka Sanaischara Swamyvari Devalayamvari Committee filed the present writ petition challenging the proceedings of the first respondent dated 26.11.2004 appointing the third respondent as single trustee under proviso to subsection (3) of Section 15 of A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity).

The matter was heard yesterday. The learned Counsel for the petitioner Ms. K.Pallavi strenuously contended that the members of the petitioner committee contributed their own funds for construction of the temple and that the appointment of single trustee is not warranted. According to the learned Counsel, a regular Non-hereditary Board of trustees ought to have been appointed under Section 15 (1) of the Act. **Per contra**, the learned Assistant Government Pleader, Sri M.S.T.Sai, and Sri N.Gurugopal, learned Counsel for the third respondent submit that the third respondent was appointed as single trustee pending appointment of regular Non-hereditary Board of trustees. Therefore, this Court directed the learned Assistant Government Pleader to get further instructions in the matter as to appointment of regular Non-hereditary Board of trustees. Today, the learned Assistant Government Pleader has placed before this Court a Xerox copy of a letter (Fax) received from the first respondent, which reads as under:

GOVERNMENT OF ANDHRA PRADESH

ENDOWMENTS DEPARTMENT

From

S.S.Chandra Sekhara Azad,

B.Com.,B.L.,

Assistant Commissioner, To

Endowments Department, The Government Pleader for

VIJAYAWADA. Endowments, High Court,

HYDERABAD.

Rc.No.A1/4896/2005, dated 22.6.2005

Sir,

Sub:- Endowments Department – Krishna District –

Vijayawada Town – Near Seethamma Padalu –

Sri Prathyeka Sanieswara S.T., - Notification issued –

for constitution of Trust Board – Report Submitted –

Regarding.

Ref: Telephonic message dt.22.6.2005 from the

Government Pleader for Endowments.

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I submit that in this office Rc.No.A1/4896/2005 dated 22.6.2005 a notification has been issued for calling applications for constitution of Trust Board to Sri Prathyeka Sanieswara S.T., Near Seethammapadalu, Vijayawada Town.

This is submitted for favour of information.

Yours faithfully,

Sd/-S.S.Chandra Sekhara Azad,

Assistant Commissioner.

//t.c.b.o.//

Sd/- xx xx

Superintendent.

The above letter is made part of the record. The notification is already issued as required under Rule 4 of A.P. Charitable and Hindu Religious Institutions & Endowments Appointment of Trustees Rules, 1987 and in due course of time regular Non-hereditary Board of Trustees will be appointed. Therefore, first respondent is directed to complete the appointment of Non-hereditary Board of trustees within six weeks from the date of receipt of a copy of this order. Till then, it shall be open to the third respondent to discharge his duty as single trustee without taking any major decision involving finance.

The writ petition, with the above observations and directions, is disposed of.

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(V.V.S.RAO,J)

23.06.2005

YS

To

1. Asst. Commissioner of Endowments, Vijayawada,Near Police Control Room, Vijayawada-2.
2. The Inspector of Endowments, Vijayawada.
3. Single Trustee, Sri Someswara Swamy Temple, Vijayawada, Krishna District.
4. Two CCs to the Government Pleader for Endowments,

High Court Buildings, Hyderabad. (OUT)

5. Two C.D. Copies.